

inadequate amount of the vitamins of the B complex; that use of the article would correct or prevent weakness, nervousness, poor appetite, impaired growth, loss of hair, lack of vigor, pellagra, skin diseases, and fatigue, and insure growth, health, pep, vigor, beauty, and physical fitness; and that the article would supply all of the nutritional elements of meat, dairy products, vegetables, fruits, and eggs; and the statements which appeared on the label of the 25-tablet size package, "A day's supply of 3 tablets contains 27,140 micrograms," and "Other B-Complex factors in 5 grs. defatted, dehydrated wheat germ 3,250 micrograms," were misleading since they suggested that the article contained large amounts of nutritional factors and significant amounts of wheat germ, whereas it did not.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason, in part, of its content of the vitamin substances pyridoxine hydrochloride and pantothenic acid, but its label failed to bear, as required by the regulations, the statement that the need for those vitamin substances in human nutrition has not been established; and, Section 403 (f), the information concerning the quantity, the common or usual name of the article, the ingredients therein, and its vitamin properties, required to appear in the labeling of the article, did not appear therein with sufficient prominence, as compared with other words, statements, designs, or devices in the labeling, to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information was set forth inconspicuously on the back label of the bottle and failed to appear at all on the carton containing the 100-tablet size bottle.

DISPOSITION: July 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6994. Misbranding of Bezon Whole Natural Vitamin B Complex. U. S. v. 312 Bottles and 156 Bottles of Bezon Capsules. Default decree of condemnation and destruction. (F. D. C. No. 11687. Sample No. 41426-F.)

LIBEL FILED: On or about February 1, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 28, 1943, by the Nutrition Research Laboratories, from Chicago, Ill.

PRODUCT: 312 100-tablet size bottles and 156 30-tablet size bottles of Bezon Capsules at Houston, Tex.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the leaflet entitled, "Bezon Whole Natural Vitamin B Complex," which was shipped with the article, "Bezon * * * Contains All 16 Factors * * * What was formerly called Vitamin B is now known to be a group of 16 or more distinct vitamins—each with its specific job to do * * * Only in the Whole Natural Vitamin B Complex can all 16 vitamin B factors be obtained," were misleading in the absence of the material fact that 16 factors of vitamin B are not generally recognized by authorities in the vitamin field, and that of all the so-called vitamin B factors, only in the case of thiamine, riboflavin, and niacin has the need in human nutrition been established; the statements in the leaflet, and the pictures of organs of the body, accompanied by the words, "Heart," "Mouth," "Nervous System," "Skin," "Stomach," "Eye," and "Colon," were misleading since they created the impression that there is a special need of the human body for the vitamin B complex over that for other food elements, that the vitamin B complex in adequate amounts would not be supplied by ordinary foods alone, and that nervousness, fatigue, loss of appetite, chronic alcoholism, muscle weakness, constipation, skin disorders, dizziness, neuritis, and nutritional anemia are caused by deficiencies in vitamin B complex and would be remedied by the article; and the statements in the leaflet, "Note these Advantages of Bezon * * * Balanced—A proper balance—a natural balance between all the various factors," were misleading since they created the erroneous impression that the constituents of the article were proportioned so as to supply the various factors in a ratio exactly suited to the user's needs.

Further misbranding, Section 403 (a), the statements, "Bezon for Buoyant Health All factors of Natural Vitamin B Complex are essential for Optimum Nutrition," and "Bezon for Dynamic Energy All factors of Natural Vitamin B Complex are essential for Optimum Nutrition," borne on display cards shipped with the article, were misleading since use of the article would not restore nor maintain buoyant health and dynamic energy, and the need for many of the factors of natural vitamin B complex in human nutrition has not been established.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for riboflavin supplied by the food when consumed in a specified quantity during a period of 1 day.

DISPOSITION: April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6995. Misbranding of Dr. Corley's Alkaline Broth. U. S. v. Dr. Buren L. Corley (Dr. Corley's Products). Plea of guilty. Fine, \$450. (F. D. C. No. 10540. Sample Nos. 12857-F to 12859-F, incl., 12861-F.)

INFORMATION FILED: September 16, 1943, Northern District of California, against Dr. Buren L. Corley, trading as Dr. Corley's Products, San Francisco, Calif.

ALLEGED SHIPMENT: On or about July 7, 1942, from the State of California into the State of Oregon.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the labeling of the article was misleading, since it failed to reveal the fact that the article contained insignificant and inconsequential amounts of the minerals declared on the label, and that when used as directed would contribute in an unimportant respect to the requirements of the body for the minerals, which fact was material in light of the following representations appearing in the labeling of one portion of the article, "(Concentrated) * * * Formula Potassium Calcium Iron Phosphorus Sulphur Sodium Magnesium Silicon Chlorine," and in the labeling of all portions of the article, "Contains Calcium, Sodium, Potassium, Iron and other necessary minerals required by the body"; Section 403 (j), the article purported to be and was represented as a food for special dietary use by man, by reason of the mineral properties in respect of calcium, phosphorus, and iron in one portion, and calcium and iron in the remaining portion of the article, and its label did not bear, as required by the regulations, statements of the proportion of the minimum daily requirements for calcium, phosphorus, and iron which would be supplied by the article when consumed as directed during a period of 1 day; and, Section 403 (i) (2), (portion of article) it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The Alkaline Broth and another article were also misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: November 30, 1943. A plea of guilty was entered, and a total fine of \$450 was imposed, \$150 on the counts involving foods, and \$300 on the counts involving drugs.

6996. Misbranding of Floritone. U. S. v. Frank Tibbetts and Nancy Tibbetts (Vitolectic Food Co.). Pleas of guilty. Fines of \$250 against each defendant. (F. D. C. No. 10630. Sample No. 19222-F.)

INFORMATION FILED: February 8, 1944, District of Rhode Island, against Frank Tibbetts and Nancy Tibbetts, the latter owning and operating a business under the firm name of Vitolectic Food Co., Providence, R. I.

ALLEGED SHIPMENT: On or about April 12, 1943, from the State of Rhode Island into the State of Massachusetts.

PRODUCT: Analysis disclosed that the product consisted essentially of whey dextrin, and sugars such as glucose and milk sugar.

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements in the labeling of the article were false and misleading since they represented and suggested and created in the mind of the reader the impression that the article, when used in accordance with the suggestions for use on the label, would be efficacious in increasing the body weight and in causing a reduction in body weight, and would be efficacious in the cure, mitigation, treatment, or prevention of diarrhea and toxemia.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: February 10, 1944. The defendants entered pleas of guilty, and the court fined each of them \$125 on each of the 2 counts, a total of \$250 against each defendant.